

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 NEAE-00 CIAE-00 DODE-00
PM-05 H-01 INR-07 L-03 NSAE-00 PA-01 PRS-01
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TO SECSTATE WASHDC IMMEDIATE 3786
INFO AMEMBASSY ANKARA
AMEMBASSY COLOMBO
AMEMBASSY DACCA
AMEMBASSY KABUL
AMCONSUL KARACHI
AMCONSUL LAHORE
AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY TEHRAN
CINCPAC HONOLULU HI

C O N F I D E N T I A L ISLAMABAD 9236

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PINT, PK
SUBJECT: BHUTTO RELEASED ON BAIL

1. FORMER PM BHUTTO WAS RELEASED ON BAIL SEPTEMBER 13 IN THE KASURI MURDER CASE. BAIL WAS SET BY THE LAHORE HIGH COURT AT 50,000 RUPEES (\$5,000) PAYABLE UPON RELEASE AND A 100,000 RUPEE (\$10,000) SURETY BOND. OBSERVERS HERE SPECULATE THAT BAIL WAS GRANTED BECAUSE THE CASE AGAINST BHUTTO WAS NOT SUFFICIENTLY STRONG TO WARRANT REFUSAL OF BAIL. OUR OWN READING OF THE PROSECUTIONS CASE (LAID OUT IN DETAIL IN SEPTEMBER 13 PRESS) IS THAT IT IS BASED
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UPON CIRCUMSTANTIAL EVIDENCE AND UNDOCUMENTED ALLEGATIONS. ALTHOUGH CIRCUMSTANTIAL EVIDENCE IS ACCEPTED IN PAKISTANI COURTS. WE UNDERSTAND THAT MURDER IS A NON-BAILABLE OFFENSE ONLY WHEN THE PREPONDERANCE OF EVIDENCE IN THE PRE-TRIAL HEARING INDICATES THERE IS A SUBSTANTIAL CASE AGAINST THE ACCUSED.

2. BHUTTO ALSO APPEARED IN COURT SEPTEMBER 13 IN

CONNECTION WITH CONTEMPT CITATIONS ISSUED IN THE TWO ILLEGAL ARREST AND DETENTION CASES IN WHICH HE HAS BEEN IMPLICATED. HE IS REPORTED TO HAVE GIVEN A THREE MINUTE STATEMENT EXPRESSING HIS INNOCENCE, AFTER WHICH THE CASE WAS ADJOURNED UNTIL SEPTEMBER 24.

3. BHUTTO'S RELEASE ON BAIL PUTS CHIEF MARTIAL LAW ADMINISTRATOR (CMLA) ZIA IN A VERY DIFFICULT POSITION. ZIA HAS COMMENTED BOTH PRIVATELY AND PUBLICLY THAT BHUTTO "WOULD BE CONVICTED" ON THE MURDER CHARGE. THE FACT THAT BHUTTO IS NOW OUT ON BAIL WILL NOT HELP THE CMLA'S CREDIBILITY. BHUTTO'S RELEASE ON BAIL MAY ALSO LEAD TO INCREASED PRESSURE ON ZIA FROM THE "HARD LINERS" ON THE MILITARY COUNCIL. THOSE GENERALS FAVORING A TOUGHER STANCE TOWARD THE FORMER PM WILL PROBABLY WATCH THE FIRST FEW DAYS OF OPEN CAMPAIGNING CLOSELY. IF BHUTTO IS ABLE TO ATTRACT LARGE CROWDS, THERE WILL BE PRESSURE ON ZIA TO ACTIVELY CONSIDER OTHER STEPS, SUCH AS RE-ARREST, TO ENSURE THAT BHUTTO DOES NOT WIN THE ELECTION.

4. MANY OBSERVERS FEEL THAT THE DAY'S EVENTS MAY STRENGTHEN BHUTTO'S HAND. HE HAS GARNERED SYMPATHY, AND WON AN APPARENT MORAL VICTORY, WHILE THE CMLA HAS APPEARED INEFFECTUAL. THE PPP HAS ALSO WEATHERED THE STORM OF BHUTTO'S ARREST. THE PARTY HAS HELD TOGETHER. CONFIDENTIAL

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BOTH RIGHT AND LEFT FACTIONS FEEL SATISFIED WITH PRESENT ARRANGEMENTS, AND WITH BHUTTO BACK IN CHARGE DISAGREEMENTS MAY BE LESS LIKELY TO BOIL OVER.

5. THE MAJOR PARTIES HAVE ANNOUNCED THE SCHEDULE OF ELECTION KICK-OFF RALLIES. THE PPP WILL HOLD ITS FIRST RALLY SEPTEMBER 19 IN RAWALPINDI, WHICH WILL PRESUMABLY BE PERSIDED OVER BY CHAIRMAN BHUTTO, IF

NOT RE-ARRESTED BY THEN. THE PNA PLANS TO OPEN ITS ELECTION CAMPAIGN WITH A RALLY IN PESHAWAR SEPTEMBER 20 TO BE ADDRESSED BY ALL THE PNA LEADERS.

6. WE UNDERSTAND THAT BHUTTO HAS CALLED A PRESS CONFERENCE IN LAHORE AFTERNOON OF SEPTEMBER 13. WE WILL REPORT FURTHER AS DETAILS BECOME AVAILABLE. HUMMEL

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